



KAUFMAN DOLOWICH VOLUCK
ATTORNEYS AT LAW

Jennifer E. Sherven, Esq.
JSherven@kdvlaw.com

MEMO ENDORSED

March 10, 2020

Kaufman Dolowich & Voluck, LLP
135 Crossways Park Drive, Suite 201
Woodbury, New York 11797
Telephone: 516.681.1100
Facsimile: 516.681.1101

www.kdvlaw.com

VIA ECF

District Judge Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

**USDC-SDNY
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**Re: Yovanny Dominguez v. Hard Rock Café International (USA), Inc.
Index No.: 19-cv-10169 (RA)**

Dear Judge Abrams:

This firm represents the defendant, Hard Rock Café International (USA), Inc., ("Defendant") in the above-referenced matter. We write, on consent of Plaintiff's counsel, to respectfully request a stay of this matter pending the resolution of the fully-briefed motion to dismiss pending before Your Honor in *Henry Tucker v. Whole Foods Market Group, Inc.*, Index No.: 19-cv-9842 (RA).

The Complaint in *Tucker* includes identical allegation as those asserted in this case. As such, Your Honor's decision on the defendant's motion to dismiss in *Tucker* will have a significant impact on this case. Staying this matter pending the resolution of the defendant's motion to dismiss in *Tucker* will help conserve both the parties' and the Court's time and resources.¹

The parties further propose that Defendant will file its response to the Complaint within twenty (20) days of the Court's order on the motion to dismiss pending in *Tucker*, and that the Initial Conference in the case will be scheduled within thirty (30) days of such ruling.

Alternatively, if the Court is not inclined to stay this matter, Defendant writes to request a thirty (30) day extension of time from the Court's determination of this letter motion to answer, move, or otherwise respond to the Complaint. Defendant's response to the Complaint is currently due on March 24, 2020. This is Defendant's second request for an extension of time to submit the response. The parties further request that the initial conference, currently scheduled for April 10, 2020, be adjourned thirty (30) days from the date Defendant must file a response to the Complaint.

¹ Your Honor granted a stay for identical reasons in *Delacruz v. Five Below, Inc.*, Index No.: 19-cv-10294 (RA).

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We appreciate Your Honor's consideration of this request.

Respectfully submitted,
Kaufman Dolowich & Voluck, LLP


Jennifer E. Sherven

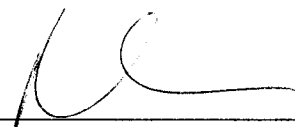
Cc: All Counsel of Record (via ECF)

4833-6503-3911, v. 1

Application granted. This action is stayed pending the resolution of the motion to dismiss in *Tucker v. Whole Foods Market Group, Inc.*, No. 19-cv-9842. Defendant shall respond to the Complaint within 20 days of the Court's decision on the motion to dismiss in *Tucker*.

The initial conference scheduled for April 10, 2020 is hereby adjourned *sine die*.

SO ORDERED.


Hon. Ronnie Abrams
3/11/2020